

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**ISHMAEL H. CODY
ADC #145160¹**

PLAINTIFF

v.

No: 1:14-cv-72-DPM-HDY

**WILLIAM WIESENBAACH, JR., Corporal,
Grimes Unit, ADC; BRADLEY H.
ROBERTSON, Sergeant, Grimes Unit,
ADC; WILLIAM DAVIDSON, Corporal,
Grimes Unit, ADC; THORNTON,
Correctional Officer 1, Grimes Unit, ADC;
MICHAEL MORRIS, Corporal, Grimes Unit,
ADC; NICHOLAS NARACON, Sergeant,
Grimes Unit, ADC; CHRISTOPHER
BUDNIK, Assistant Warden, Grimes Unit,
ADC; and EMSWELLER, Major**

DEFENDANTS

ORDER

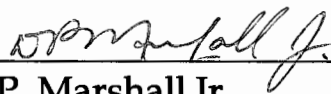
Cody has not paid the filing and administrative fees in this § 1983 case, and he is a three-striker under the Prison Litigation Reform Act. 28 U.S.C. § 1915(g). He has filed at least three cases that were dismissed for failure to

¹The ADC number initially used in the style of the case was based on an altered number Cody provided on the first page of his complaint. Later in the complaint, the correct and unaltered number is used. The Court notes that Cody has used various names in lawsuits he has filed over the years.

state a claim. *Cody v. Arkansas Food Bank Network et al.*, No. 4:09-cv-89; *Cody et al. v Harris et al.*, 4:09-cv-145; *Forrest et al. v Bowers et al.*, No. 1:11-cv-26. The exception to the three-strikes provision doesn't apply because Cody has not alleged that he is in imminent danger of serious physical injury. The claims Cody raises have been considered before and found not to justify an exception to the three-strikes rule. *Obamas v. Wiesenbach et al.*, No. 1:14-cv-36.

Cody's complaint is dismissed without prejudice. The Court certifies that an *in forma pauperis* appeal from this Order and the related Judgment would not be taken in good faith. If Cody wishes to pursue this case, he must pay the \$400.00 statutory filing and administrative fees and file a motion to reopen the case by 21 July 2014. The Court directs the Clerk to change the style of the case to reflect Cody's correct ADC number of 145160.

So Ordered.



D.P. Marshall Jr.
United States District Judge

